

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CAROL METZ, <i>et al.</i> ,)	CASE NO. 5:05 CV 1510
)	
Plaintiff,)	JUDGE DONALD C. NUGENT
)	
v.)	<u>ORDER ADOPTING</u>
)	<u>REPORT AND RECOMMENDATION</u>
UNIZAN BANK, <i>et al.</i> ,)	
)	
)	
Defendants.)	

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge Nancy A. Vecchiarelli. The Report and Recommendation (ECF #546) is hereby ADOPTED. Between December 20, 2007 and January 16, 2008, a year-and-a-half to two-and-a-half years after the case was filed, and after several significant issues had already been decided, and dismissal motions on the remaining claims had been fully briefed, 104 motions to intervene were filed in this putative class action (ECF #414-52, 454-80, 482-506, 508-15, 517-21). The motions to intervene contained claims that had already been addressed by the Court in prior a ruling, (ECF #377), contained claims against new defendants that had been specifically disallowed by the Court in a prior Order, (ECF # 379), and contained claims that had already been fully briefed by the current parties, and were being addressed by the Court.

Magistrate Vecchiarelli found that the motions to intervene were not timely, that the putative interveners ability to protect their interests would not be impaired if intervention were denied, and that the current parties more than adequately represented the putative interveners interests before the court. Consequently, intervention of right under Fed. R. Civ. P. 24(a) is not warranted. Further, intervention at this stage of the proceedings would substantially delay the adjudication of the rights of the original parties and further prejudice the parties. Therefore, permissive intervention is also unwarranted.

No timely objections have been filed to the Magistrate's Report and Recommendation. Nonetheless the Court has fully reviewed the Report and Recommendation, the putative interveners' arguments and all of the applicable law. The Magistrate's Report and Recommendation fully and correctly addresses all of the arguments raised by the parties, and properly and justly analyzes the applicable law. This Court, therefore, adopts the Magistrate's Report in its entirety. The Motions to Intervene are hereby DENIED. (ECF # 414-52, 454-80, 482-506, 508-15, 517-21). IT IS SO ORDERED.

S/Donald C. Nugent
DONALD C. NUGENT
United States District Judge

DATED: April 11, 2008